REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

At the outset, appreciation is expressed to Mr. Prone and Ms. McDermott for their time and attention during the interview that was conducted at the U.S. Patent and Trademark Office on August 4, 2005. The remarks below discuss the substance of the interview.

With respect to the drawing objection set forth at the top of page two of the Official Action, it is noted that the original drawing figures illustrate the subject matter recited in dependent Claim 6. That is, Claim 6 recites that two or more links are provided between an adjacent pair of annular units. As can be seen with reference to, for example, Fig. 3, three links 5 are provided between the two topmost adjacent annular units 4a, 4b. Thus, it is respectfully submitted that the drawings comply with the requirements of 37 C.F.R. § 1.83(a). Accordingly, withdrawal of the drawing objection is respectfully requested.

The preamble of Claim 8 has been amended to insert the term --stent-- as suggested at the top of page three of the Official Action. Accordingly, withdrawal of the objection to Claim 8 is respectfully requested.

During the interview, the undersigned explained various features associated with the indwelling stent recited in independent Claim 1 and the living organ dilator comprising a stent as recited in independent Claim 12. Referring to Figs. 1-3 for explanatory purposes only, and as discussed during the interview, the stent recited in Claims 1 and 12 comprises a plurality of annular units (4a, 4b, 4c, 4d, 4e, 4f) arranged in an axial direction of the stent, with each of the annular units comprising a

plurality of annular elements (2a, 2b) arranged so as to surround the stent axis. Each of the annular elements (2a, 2b) is elongate in the axial direction of the stent and possesses an opening. The adjacent portions of annular elements (2a, 2b) are joined to each other through a joint (3b). In addition, the adjacent annular units (for example 4a and 4b) are interconnected at their joints (3b) by at least one link (5). The annular elements (2a, 2b) in each annular unit are arranged so that one of each adjacent pair of annular elements is located on the proximal end side in the axial direction of the stent. Further, the end portions of each annular unit are projected zigzag, with the zigzag projected end portion of the annular unit penetrating into the adjacent annular unit.

The Official Action sets forth a rejection of independent Claims 1 and 12, and various dependent claims, based on the disclosure contained in U.S. Patent No. 5,931,867 to *Haindl* and U.S. Patent No. 5,695,516 to *Fischell et al.* In addition, the Official Action sets forth a rejection of independent Claim 1 based on the disclosed in U.S. Patent No. 5,807,404 to *Richter.*

As discussed during the interview, *Haindl* discloses a radially expandable stent that includes successive rows of elements 1, with the elements in each row being connected by bridging links 5. In addition, each row of elements 1 is connected to the adjacent row of elements by way of connecting members 4.

As was explained during the interview, one of the differences between the stent recited in Claims 1 and 12 and the disclosure contained in *Haindl* is that in the stent recited in original Claim 1, the annular elements in each annular unit are arranged so that one of each adjacent pair of annular elements is located on the proximal end side in the axial direction of the stent (i.e., adjacent annular elements

are axially offset from one another). The Examiners generally agreed with this observation, but noted that clarification was required in Claim 1 to better recite the axially offset nature of adjacent pairs of annular elements. Thus, the wording in Claim 1 has been amended to define the originally claimed subject matter in a different manner by setting forth that one of each adjacent pair of annular elements is axially offset in the axial direction of the stent relative to the other annular element of the adjacent pair of annular elements. This point of discussion involving the axially offset nature of adjacent annular elements is what is referred to in the Interview Summary in a shorthand way as the zigzag orientation.

The undersigned also pointed out that the claimed stent at issue here includes the adjacent annular units being interconnected at their joints (i.e., the joints at which adjacent portions of the annular elements are joined to each other) by at least one link. Once again, the Examiners generally agreed with this observation, but requested clarification that the joints at which the adjacent annular units are interconnected by the links are the joints at which adjacent portions of the annular elements are joined to each other. Claim 1 has thus been amended to change the phrase "their joints" to --said joints--. This point of discussion involving the interconnection provided by the links is what is referred to in the Interview Summary in a shorthand way as the interconnection of the annular units.

Thus, as explained by the undersigned and recognized by the Examiners, the claimed stent is patentably distinguishable over the disclosure contained in *Haindl*.

For similar reasons, independent Claims 1 and 12 are patentably distinguishable over the disclosure in *Fischell et al.* Like *Haindl*, *Fischell et al.* discloses adjacent rows of annular elements, but does not disclose that one of each

adjacent pair of annular elements is axially offset in the axial direction of the stent relative to the other annular element of the adjacent pair of annular elements. Similarly, *Richter* illustrates adjacent rows of annular elements, but does not disclose that one of each adjacent pair of annular elements is axially offset in the axial direction of the stent relative to the other annular element of the adjacent pair of annular elements.

For at least the reasons discussed during the interview and summarized above, it is respectfully submitted that the claimed indwelling stent recited in independent Claim 1, and the claimed living organ dilator recited in independent Claim 12, are patentably distinguishable over the disclosures contained in the applied documents.

Also presented by way of this Amendment is new independent Claim 18 which defines the indwelling stent in a manner different from that recited in independent Claim 1. Independent Claim 18 recites that the indwelling stent comprises annular units arranged in an axial direction of the stent, each of the annular units comprising a plurality of collapsed annular elements arranged to surround the stent axis, being elongate in the axial direction of the stent and possessing an opening in a central portion. Adjacent portions of the annular elements in each of the annular units are joined to each other through a joint, with at least one link interconnecting adjacent annular units such that the link is connected to one of the joints connecting adjacent annular elements in one annular unit and one of the joints connecting adjacent annular elements in an adjacent annular unit. The annular elements in each annular unit are arranged so that one of the annular elements of each adjacent pair of annular elements is axially offset in the axial

direction of the stent relative to the other annular element of the adjacent pair of annular elements. In addition, the adjacent annular units are positioned relative to one another such that an end portion of each of a plurality of the annular elements in one annular unit is positioned between end portions of two annular elements of the adjacent annular unit.

The stent recited in Claim 18 differs from the disclosures in *Haindl*, *Fischell et al.* and *Richter* at least because the stents disclosed in those documents do not include annular elements in each annular unit being so arranged that one of the annular elements of each adjacent pair of annular elements is axially offset in the axial direction of the stent relative to the other annular element of the adjacent pair of annular elements.

It is respectfully submitted that this application is in condition for allowance and such action is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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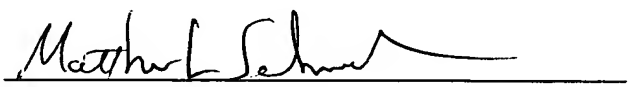
Date: August 5, 2005

By: 
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